

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

Jodi S. Adkins,

Debtor.

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Case No. 21-52632

Chapter 7

Judge Nami Khorrami

Jodi S. Adkins,

Plaintiff,

v.

US Department of Education,

Defendant.

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Adv. Pro. No. 21-2062

JOINT MOTION TO CONTINUE TRIAL AND STAY CASE

Plaintiff Jodi S. Adkins and Defendant United States Department of Education (collectively, the “Parties”), by and through counsel, hereby jointly move for entry of an order continuing the trial currently scheduled for March 31, 2023, at 10:00 a.m. and staying this case until after September 1, 2023. In support of this Motion, the Parties state as follows:

1. The Parties are involved in meaningful settlement negotiations that may resolve the adversary proceeding now pending before the Court. It previously appeared that Plaintiff would be eligible to have her student loans discharged through an administrative process currently being offered from the Biden Administration in an amount that exceeds the balance due on Plaintiff’s student loans. To that end, on November 4, 2022, Plaintiff submitted her application to forgive her loans. However, recent legal challenges have delayed that process. The parties believe there should be clarity on the viability of Plaintiff’s application by September.

2. Additionally, the Department of Justice recently updated its guidance on dischargeability of indebtedness in bankruptcy. Plaintiff is currently in the process of submitting the updated attestation form promulgated by the Department of Justice to facilitate settlement discussions.

3. The Parties would like additional time to see if the matter can be resolved without the need for a trial. Accordingly, the Parties request that this matter be stayed until September 1, 2023, and that the trial and all pre-trial compliance deadlines be continued to a date thereafter.

4. Courts have “broad discretion” to stay proceedings in matters before them. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936).

5. This is a joint request for a continuance, and no party will be prejudiced by this request.

[Signature Page Follows]

Respectfully submitted,

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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 16, 2023, service of the foregoing was made by electronic filing with the Clerk of the United States Bankruptcy Court, using the CM/ECF system, which will send notification of such filing to the parties listed below:

Melissa Baker Linville, Attorney for Plaintiff

John C. Cannizzaro, Attorney for Plaintiff

Bethany J. Hamilton, Attorney for Defendant

/s/ John C. Cannizzaro
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